Lord *George Sackville's*

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On the Opening of the

COURT-MARTIAL.

I AM very ſenſible of this laſt Inſtance of his Majeſty's Goodneſs towards me; and I have ſo ſtrong a Feeling of the advantageous Situation in which I now ſtand, compared with that in which I was lately placed, that I ſhall not begin my Defence with any Obſervations on the Means that have been employed, to prejudice the Opinion of his Majeſty and of the Public againſt me. Convinced that his Majeſty's known Equity would graciouſly diſpoſe him to grant my Requeſt, of being allowed a Trial in a Court legally authorized, and before Judges properly qualified to examine into my Conduct; I have never attempted by any Complaints of hard Treatment, nor by any Repreſentations of my Caſe, to awaken the public Attention in my Behalf, or to remove the popular Prejudices againſt me. Painful as it is to ſuffer a

Moment

Moment in the good Opinion of my Country, I have waited ſilently, tho' with a reſpectful Impatience, for the Opportunity which is now given me, of laying my whole Conduct before this Court; for the whole of my Conduct relative to the Affair of Minden, ſhall now be laid before you; which has not hitherto been done, neither could it be done, by Witneſſes who ſaw but a Part, and ſaw that but imperfectly; and wherever they have been obliged to ſpeak to Matters of Opinion, or what they could not ſee, have not been able to diſengage their Minds from their Influence of the Prejudices exacted againſt me by the implied Cenſure in the Orders after the Action of Minden.

What were the particular Grounds of that Cenſure, I never was informed, nor could I hope to know, except by this Trial. Conſcious that my whole Conduct would bear the ſtricteſt Scrutiny by a juſt and impartial Court, I ſolicited to be tried, without knowing what Accuſation might be brought againſt me: It was for this Reaſon, I already ſaid to the Court, that if I had been afraid of the Truth's being ſifted, I need not have called for this Inquiry; for every Man muſt do me the Juſtice to ſay, that I ſtand here a willing Priſoner, nor ſhould I have come to this Bar but by my own Deſire.

My Defence conſiſts not in Argument, but in being able to eſtabliſh a true and perfect State of the Facts, with Regard to the Subject of the Charge: I am very unwilling, therefore, to detain the Court from hearing the Evidence, from whence, and not from my Relation, their Judgment muſt be

be formed; and I ſhall not introduce my Defences by any Narrative of my own Conduct.

I SHALL only at preſent, endeavour to collect the particular Articles, by which the general Charge againſt me is attempted to be ſupported; and to explain the general Tendency of the Defence that I ſhall make to each Article, which will naturally lead me to take ſome Notice of the Evidence that has been given, in Support of the Charge.

I AM accuſed in general of Diſobedience to the Orders of Prince Ferdinand, and that Charge is confined, by the Judge-Advocate, to the Diſobedience of Orders relative to the Affair of Minden.

THE whole Matter of the Charge then is, What Orders were delivered to me? Whether they were obeyed? If not; Whether they could have been obeyed? If the Evidence, in Support of the Charge, had been confined to theſe Particulars, my Defence might have been brought within the ſame Compaſs, and it would only have been neceſſary for me to prove, that the Orders delivered to me, were not delivered in the Manner ſtated by the Evidence in Support of the Charge: Or to prove, That I did, to the beſt of my Power, endeavour to execute the Orders delivered, according as I underſtood them: For the Court very well knows, that not to have executed Orders in Action, does not always imply even a Neglect of Duty.

BUT the Examination has led very much to an Enquiry into the Conſequences of the Cavalry being engaged, or remaining in Inaction at the Affair of Minden. This Enquiry, in whatever Manner it is

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anſwered, ought not to affect my Trial: For the only Queſtion is, Am I guilty, or not, of the Diſobedience of ſuch Orders as I received?

The Defence I intended to make, goes directly to the ſubſtantial Part of the Charge; when that is anſwered, thoſe Matters of Opinion, which tend to aggravate and inflame, will be of very little Moment; and I ſhall not give the Court much Trouble, with proving how incertain, or how falſe they generally are. My Intention is not to throw Blame upon others, but to vindicate myſelf from the Blame imputed to me; and I muſt here beg the Court would enter into my Situation, and not judge upon my ſuppoſed Knowledge, or upon Facts ſince diſcloſed; but look upon me at the Head of a Right Wing of Cavalry, without any general Diſpoſition communicated to me, or any previous Inſtructions given for my Conduct, unacquainted with the Ground, with Woods or Incloſures upon my Right and Left, and the Country open only to the Front, towards which Front the original Poſition of the Cavalry was to have been.

The firſt particular Article, is the Diſobedience of the Orders of the Day preceding the Action. This was very fully gone into by the Witneſſes for the Charge, and the Intention of making this an Article, was avowed to be not ſo much to charge me with any direct Diſobedience, as to prove the general Negligence and Remiſsneſs of my Conduct; and rather to give a plauſible Appearance to the following Article, than to make a particular Article of itſelf.

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For what Reaſon ſuch an Article, ſo confeſſedly inconcluſive, was taken in to ſwell the Accuſation, I ſhall ſubmit to the Court; but ſince the Charge is to be ſupported by ſhewing, that even before the Action, I had no Inclination to obey, I deſire no other Teſt of the Inclination I then had to do my Duty, than to give a full Account of my Conduct preceding the Action; and I ſhall prove, by undoubted Evidence, that in Diligence, Activity, and Obedience, my Conduct always was becoming the Truſt repoſed in me.

In Support of the Charge, Colonel Hotham has proved the firſt Orders delivered after the Army came into the Camp at Hille on the 29th July, which ſo far as relates to me, are only, That the General ſhall take particular Notice of the Debouchers, by which the Army may advance to form in the Plain of Minden. He has alſo proved the after Orders of the 31ſt July, delivered to him at Six in the Evening of that Day, for the Army to be ready to march at One o'Clock in the Morning, the Cavalry to be ſaddled, but the Tents not to be ſtruck till farther Orders; and for the Generals, &c. leading in Columns, (of which I was one) to make themſelves acquainted with the Avenues leading from the Camp; that is, the March of the Columns as well as the Ground in Front. And he has alſo proved, that theſe Orders were delivered to me after my Return to my Quarters on the Evening of the 31ſt, from the Picquets, on which Duty I was employed on the 30th and 31ſt.

The Intention of theſe Orders being introduced and inſiſted on, is to ſhew, that an Action

was expected on the following Day, and that theſe Orders were given in that View, to have the Troops in Readineſs for engaging. How far Action could be expected at the particular Time on which it happened, the Court has already had an Opportunity of judging from ſeveral of the Witneſſes, who have ſpoke of the Diſpoſition of the Army, on the Morning of the Action; particularly from the Evidence of the Marquis of Granby, a Lieutenant-General, and Second in Command of the Britiſh Troops; who was as little acquainted as myſelf, with any Plan of Action, or inſtructed in any general Diſpoſition. A Precaution that few Commanders in Chief, and particularly his S. Highneſs, who is able to form and to explain his Ideas, have ſeldom omitted on the Eve of an Engagement.

But I ſhall ſhew, that thoſe Orders had been ſo frequently repeated, that they were no longer underſtood to ſuggeſt any Certainty of an approaching Action, but required no more than the common Degree of Diligence with which every Order ought to be put in Execution. Thus much with Regard to the Orders themſelves. With Regard to the Execution of them, ſo far as they relate to the Troops, Major Stubbs has proved, that the Cavalry was ſaddled before the Orders to ſtrike Tents were brought, which he thinks was about Four. Whether they wereſaddled at One or not, is a Circumſtance that cannot affect me, for Col. Hotham has proved, that the Orders were diſtributed to the Brigades. But ſuppoſing I were to be anſwerable for the Neglect of Orders ſent to the Brigades, Col. Pitt has proved, that the Horſes of the Regiment under his Command, were ſaddled at One; Col. Sloper, indeed, has ſaid as much:

much: But as I ſhall hereafter ſhew, that his Evidence can prove nothing, I will not throw ſuch a Stain upon my Defence as to quote his Evidence as Proof: Not even where he is obliged to diſcloſe a Circumſtance that may make in my Favour. But even if the Horſes had not been ſaddled according to the Order, as I ſhall prove they were; it is certain, that no Delay was occaſioned by this, ſince all were ready when the Orders to march came to the Camp.

With Regard to the Part of the Orders that relate to the Generals reconnoitring the Avenues to the Camp, and the March of the Columns, I ſhall prove by undoubted Evidence, that I complied with them as far as I poſſibly could, conſiſtent with the other Duty in which I was at that Time immediately engaged.

With Regard to the March of the Cavalry from its Encampment, the Orders to march were not brought as they ſhould have been to me; the firſt Notice I had of it, was by a Meſſage, not an Order, from General Sporken. I immediately galloped up with Major Stubbs to the Head of the Line, as appears by his Evidence, and was, as I ought to be, the firſt general Officer of my Diviſion that arrived there; and ſo deſirous was I to loſe no Time, that I came there unattended by any of my Aids-de-Camp. I immediately marched with the Column, and ſhall prove that no Delay whatever was occaſioned by the Miſtake in the Delivery of the Orders, but that I was with the Cavalry upon the Ground ſhewed me by Capt. Malhorte, before the Columns of Infantry had begun to form.

THE ſecond Article of the Charge, is the poſitive Diſobedience of the Orders ſent by Capt. Winchenrode.

THE only Witneſs to this is Capt. Winchenrode, Why I ſay the only Witneſs, I ſhall afterwards explain, and I am very glad to do Juſtice to the candid and ingenuous Manner with which his Teſtimony was delivered.

THOUGH I ſhall be able to contradict his Evidence with Regard to the Orders he delivered to me, I do not mean to queſtion his Veracity; I make no Doubt that he imagined he had explained his Orders to me in the Manner he now ſtates them; he is cautious at this Diſtance of Time, of aſſerting the Words he uſed; but ſays, he endeavoured to explain his Orders as well as he could, and is certain that he gave the Senſe of the Orders he brought. It is very natural for a Perſon to ſuppoſe, that what he means to expreſs he has expreſſed plainly, tho' the Perſon to whom he ſpeaks finds great Difficulty in underſtanding him. I ſhall ſhew the Court, that the Orders delivered by Capt. Winchenrode, were not, nor could be underſtood by me in the Way he has now ſtated them; and I ſhall ſhew afterwards by many Evidences, the Steps I took towards the Execution of them in the Manner I underſtood them, and the Obſtacles which muſt have prevented the Execution of his Orders, as he has ſtated them.

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THESE Circumſtances will prove, that inſtead of doing nothing, as has been ſaid, upon receiving Captain Winchenrode's Orders, all was done that could be done within the Time, and in the Situation I then was. It will likewiſe appear, that the Interval of Time between Captain Winchenrode's Order and Captain Ligonier's, was very ſhort, and no Part of it loſt. Captain Winchenrode's Candor, indeed, affords me a poſitive Contradiction to all thoſe Witneſſes who have made this Interval ſo long. That Gentleman, when he left me, rode, he ſays, full Gallop towards the Prince, and met Colonel Fitzroy. What was the Diſtance from the Cavalry to the Place where they met, Captain Winchenrode does not ſay; but Colonel Fitzroy thinks it was about 600 Yards from the Cavalry to where the Prince was. Captain Ligonier left the Prince before Colonel Fitzroy, and it is impoſſible, then, that the Space of Time, in which Captain Winchenrode galloped Part of thoſe 600 Yards, could have been equal to an Half of that Interval which the Witneſſes make between the Order of Captain Winchenrode, and that of Captain Ligonier.

ANOTHER Obſervation I ſhall make from Captain Winchenrode's Evidence, is, that he has diſcloſed a Circumſtance, which intirely removes every Prejudice that might ariſe from the Evidence that was attempted to be given of the Prince's Impatience that the Cavalry did not advance. The Inference from thence to my Prejudice, is, that his S. Highneſs's Impatience, proves his Senſe of my Delay: But I beg Leave to obſerve, that it only proves, that the Prince had very great Occaſion for Cavalry, and was very ſenſible that they might be very uſeful where they were not poſted. Captain

tain Winchenrode was ſent to look for the Cavalry, for he was not told where he ſhould find them: He delivers his Orders, and gallops back: In his Way he meets Col. Fitzroy, ſent for the ſame Purpoſe; who tells him, that the Prince is in the utmoſt Impatience for the Arrival of the Cavalry: Unleſs it was poſſible to imagine, that twenty-two Squadrons could move faſter than Captain Winchenrode, who went full Gallop, and was not then come in Sight of the Prince, this Impatience, which prompted his Serene Highneſs to ſend off a Second, and a Third Meſſenger, could not well have proceeded at that Time, from any well founded Opinion of an improper Delay of the Cavalry, if he knew the Diſtance at which they were poſted.

THUS much with Regard to the Order of Capt. Winchenrode, ſo far as it is proved by his own Evidence.

COL. Sloper has ſworn to the very Words of the Order, which Captain Winchenrode has too much Candor himſelf to recollect. In what Manner his Evidence was given, I need not remind the Court. He owns, that he has told the Story to ſo many People, that he cannot poſſibly remember to whom he has told it in particular; ſo, that by his own Confeſſion, he comes into Court prepared, and obliged to ſupport by his Oath, the Credit of the Tale he has ſo often told; and he is hardy enough to ſwear, that he is morally certain, that every Time he has repeated it, he has always uſed the ſame Words that he has done to the Court; a Circumſtance that never did, nor could happen, upon a true Relation of Facts.

With Regard to the Matter of his Evidence, I ſhall ſhew the Court, if his own Behaviour has not entirely deſtroyed the Credit of his Teſtimony, that it is impoſſible from his Situation that Day, that what he has ſworn can be true, or that he could hear all that he pretends to have heard.

If he had given me an Opportunity, I believe I ſhould alſo have been able to prove, that I did not ſpeak to him that Day to receive his Advice. But the Court muſt have obſerved, that on the Croſs Examination, he would give no direct Anſwer to any Queſtion; and, accurate as his Memory was in other Particulars, he would not remember the Name of any one Officer, he at any Time ſaw with me, except Captain Fryal, and him only, becauſe Captain Winchenrode's ſpeaking to him in German, was a Circumſtance he had introduced in the Relation he had given out of Doors, and durſt not venture entirely to forget it in Court. If I prove theſe Things with Regard to Col. Sloper's Evidence, I ſhall have ſaid with Reaſon, that Captain Winchenrode's Evidence is the only one as to the Orders delivered by him to me.

Having mentioned Colonel Sloper's Evidence, I am obliged to take Notice of the Aſperſion he has thrown upon my Character. Imputations of that Nature, were very little to be expected by one who had the Honour of arriving at the Rank of a Lieutenant General. After a Courſe of ſome Duty

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and Services, it is hard upon a Man to be obliged to ſpeak of his own Actions, or of his own Merit, or Character in the Service; but what makes it upon this Occaſion abſolutely unneceſſary, is, that moſt of the Generals who compoſe this Court, have either commanded me, or I have had the Honour of commanding them, and I am perſuaded they will feel a generous Indignation in my Behalf, and diſcloſe whether my former Conduct ought not to have exempted me from ſo mean an Attack.

But as this Slander is thrown out, not for the Court, but a Topick for popular Calumny, I ſhall be obliged to ſubmit to the Mortification of aſking thoſe who ſaw me, whether I was not as ready to do my Duty, as diſtinct in my Orders, and bore as firm a Countenance as any Man during that whole Day. I ſhall beg the Indulgence of the Court, alſo, to permit me to have the Satisfaction of receiving a freſh Inſtance of the Approbation of ſuch Officers of known and approved Reputation, under whoſe Command I have acted in Situations of real Danger.

The 3d Article of the Charge, I am at a Loſs now to ſtate; whether it is the Diſobedience of the Order delivered by Captain Ligonier, which was immediately complied with; or the Diſobedience of the after Order delivered by Colonel Fitzroy, which varied materially from it; or whether it is the Heſitation and Doubt, which of the two Orders, tho' different, delivered almoſt at one Time, and ſeeming to every one preſent as well as to me, to have been intended as the ſame,

and

and my going a few hundred Yards to the Prince to obtain an Explanation of theſe Doubts, not neglecting, however, in the mean while to forward the Service;---whether, I ſay, any or all of theſe Circumſtances are to be imputed as a Crime to me, I do not know; but I ſhall endeavour, after eſtabliſhing the Facts, to give an Anſwer to each of them. With Regard to the Order delivered by Captain Ligonier, I cannot help obſerving how very inconſiſtent and ſtrange that Order muſt appear as ſtated in his Evidence. He ſays, that he was ſent by the Prince upon ſeveral Reports of the Diſorder that appeared in the Enemy's Cavalry. He ſays, his Orders were for me to advance with the Cavalry in order to profit of the Diſorder that appeared in that of the Enemy. The Order implies that the Engagement was already begun; yet when he comes to be aſked with a View to aſcertain the Time, how long the Troops had been engaged? He then ſays that the Infantry was only advancing, and that he left the Prince before any Attack by either Army: What then could occaſion that Diſorder of the Cavalry of which we were to profit?

For it is well known to every one, that the Enemy's Cavalry did in the firſt Onſet of that ſhort Action attack that brave Britiſh Infantry, to whoſe Intrepidity the Succeſs of that Day was entirely owing.

Colonel Fitzroy brought me the Order to advance with the Britiſh Cavalry, as I was obeying that of Colonel Ligonier to advance with the whole

Cavalry. I ſhall ſhew more clearly than it is expreſſed by their Evidence, what Opinion they both had then of the Meſſages they brought; and I muſt obſerve, that it is not from what they have ſince recollected, but from the Opinion they then expreſſed to me of their Orders, that my Conduct is to be judged, and the Reaſonableneſs of the Doubt I then entertained, of the Movements that I was to make in ſo critical a Situation, when the Diſtinctneſs or Indiſtinctneſs of two young Aids-de-Camp might have decided the Fate of the Army.

HAD I then acted a cautious Part with Regard to myſelf, it had been eaſy for me to have made either of theſe Gentlemen anſwerable for the Step I ſhould have taken; but, entruſted with ſuch a Command as I bore, it became me, not to conſider my own Security but the publick Service, and I determined to act upon certain Grounds, having already experienced too much of the Confuſion of Orders ſent by Aids-de-Camp. If this is criminal, I know not what Conduct in an Officer, that is conſiſtent with the Character of an honeſt Man, can protect him from Blame. A ſtrict and implicit Obedience, I know, is the Duty of an Officer; but an Obedience to you know not what Order, is neither the Part of an Officer nor of a Man.

I SHALL farther ſhew upon this Part of the Charge, that no unneceſſary Time was loſt; and that, as has been already proved, the Cavalry did paſs the Wood, and was even in Sight of his S. H. whilſt I was receiving my Orders from him.

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THE laſt Article of the Charge ſeems to be, that after theſe ſeveral Orders the Cavalry advanced too ſlow, and that I halted the 2d Brigade under the Marquis of Granby to delay the March, and even after the Orders brought by Colonel Fitzroy to Lord Granby to advance as quick as poſſible were communicated to me, that I halted the Cavalry a ſecond and a third Time.

The Force of this Article, as a Charge of Diſobedience of Orders, muſt depend upon the Orders under which I then acted, and the Neceſſity there was for theſe Halts.

THE Orders under which I then acted, were not thoſe of any Aid-de-Camp, but what I received from his S. H. himſelf. I ſhall prove what they were, and I ſhall likewiſe prove, that every Halt which was made by my Command, was neceſſary for the Execution of them.

I MUST beg the Court would here again enter a little into my Situation at that Time, and conſider, not, how the Cavalry might have advanced, ſuppoſing the Succeſs of the Day decided and certain, but how Cavalry ought to advance, ſuppoſing, as was then the Caſe, there was Reaſon to expect they might charge or be charged. But even had my Orders been only to advance, ought I to have underſtood, that to advance meant to advance in Confuſion?

The marching of Cavalry in Line muſt be Matter of Judgment; as for my Part, I ſubmit to thoſe whoſe Services entitle them to decide upon this Occaſion, whether it is poſſible, in an extended Line of ſeveral Squadrons, to advance with Quickneſs, and, at the ſame Time with tolerable Regularity. I have ever found the greateſt Difficulty in preſerving Intervals or even the Appearance of a Line without a conſtant Attention to their Motions, and ſtopping the firſt Appearance of Irregularity.

To attack with Velocity and Vigour, you muſt advance without Hurry and Confuſion; If Purſuit is the Object, then I underſtand a Part is to be detached, but that Part is to be ſuſtained by Squadrons not broken.

If the Line is to charge as ſoon as it comes within a proper Diſtance, the greater the Velocity with which they proceed againſt the Enemy, the greater the Effect; but whoever attempts to bring Squadrons, after being blown or hurried, to an Attack, will ſoon find that the Vigour and Weight ſo peculiar to the Britiſh Cavalry, will be loſt by their own Miſmanagement and Indiſcretion.

These are the Principles upon which I thought it proper to conduct a Wing of Cavalry. When I have proved my Orders, and ſhewn the Reaſon for ſuch Halts as I made, it will then be a Queſtion for

for the Judgment of the Generals who compoſe this Court, whether my Attention and Care to preſerve a firm and compact Body of Cavalry to ſuſtain or to attack were improper.

SUCH is my Defence with Regard to the Movements of the Cavalry in general after it came upon the Plains of Minden. As to that particular Charge which ſounds ſo ſtrongly againſt me, that after I knew of his S. H's Orders to Lord Granby I halted his Brigade; it is anſwered already by his Lordſhip's Evidence. He ſays, that he did not underſtand Colonel Fitzroy's Order to be addreſſed to him only to advance with his own Brigade, but that it was an Order for the whole Line to advance. Had the Order detached the Marquis of Granby from my Command, I had been to blame to have halted his Brigade upon any Account: As that Order did not detach him, nor could ſuperſede me in my Command, it was my Duty to attend to the Execution of it in the Manner my Judgment directed me, and I ſhall inſiſt upon it, that I made no improper Halt whatever.

HAVING taken ſome Notice of every particular Article of the Charge, I ſhall now beg Leave to make one general Obſervation upon the Incertainty of that Evidence on which ſo much of it depends; I mean the Conjectures, rather than the Opinions, of Men in an Engagement as to Times and Diſtances. The whole Depoſitions ſhew how little theſe Opinions agree together; Captain Ligonier ſays, that the Enemy retired about three Quarters of an Hour after he carried his Orders;

Colonel

Colonel Fitzroy contradicts him, and ſays, that after he returned to the Prince (which by the Evidence we are to ſuppoſe was poſterior to Captain Ligonier's Order) the Action laſted an Hour and a half, and Captain Derenthall ſeems to contradict them both. The Infantry, according to Captain Ligonier and Colonel Fitzroy, was only advancing when they left the Prince, yet, according to Captain Winchenrode's Account when he met Colonel Fitzroy, who had but juſt left the Prince, the Infantry was in full Action. Theſe are but a few Inſtances of the many Contradictions in regard to Time with which the Evidence abounds; I don't mean it as a Reflection upon the Fairneſs of the Witneſſes, but only to ſhew the Incertainty of ſuch Evidence, and how very dangerous it becomes for an Officer's Conduct, to be tried upon the various and incertain Apprehenſions, which Men, whoſe Attention is deeply engaged, entertain of Times and of Diſtances.

I SHALL endeavour, in the Courſe of my Evidence, to give the Court a little more Satisfaction in this Reſpect, and to aſcertain the Intervals of Time, not by what paſſes in a Man's Mind, but by what he has done in the mean while, and to prove the Diſtance and Situation of the Ground by thoſe who examined them coolly and deliberately, not by the Ideas that Men form while paſſing at a Gallop acroſs a Cannonade.

I HAVE now ſtated to the Court the ſeveral Articles of the Charge as I have been able to collect them from the Evidence, and the Nature of my Defence to each: I have confined myſelf to the moſt general Obſervations on the Evidence already given, and I have avoided anticipating that which ſhall be given by any Narrative of the particular Facts to be proved.

WHEN the Court has heard the Whole, I ſhall then beg their Indulgence to lay before them a full State of my Caſe, as it ſhall appear on comparing the Evidence for and againſt me; at preſent, I have only ſtated what is neceſſary for pointing out to their Attention the Matters to be proved.

THIS Defence is intended not for the World, but for the Information of the Court; all I at preſent deſire, is that Mankind would ſuſpend their Judgments of my Conduct till the Evidence is cloſed; then I truſt in the Goodneſs of my Cauſe, which has ſupported me under a Load of Calumny, and emboldened me to aſk for this Trial, under your favourable Judgment; that the Candid will with Pleaſure acquit me,

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the Prejudiced be obliged to retract their raſh Cenſures, and that I ſhall once more be reſtored to the good Opinion of my Country and of my Sovereign.

Lord

Lord *George Sackville's*

SPEECH

AND

DEFENCE

On the closing the Evidences on both Sides.

I AM now come to that period, when the influence of prejudice can no longer affect my case, when the true state of it will at length be laid open, and every man may form his judgment, not from any partial representations, but from his own reason and conviction. This is the point, to which I have always wished to conduct it, and to obtain which, I have sollicited a trial.

THE difficulties which attended the granting that trial, are ſufficiently known, and I have now the pleaſure of expreſſing the ſatisfaction it gives me, that they were all obviated; I hope I have ſhewn already my ſenſe of that favour, by contributing every thing in my power to facilitate the proceeding. I endeavoured to reduce my examination of the witneſſes to a few particular points; I have troubled the court with no unneceſſary objections; and in deference to them, I have willingly given up the calling witneſſes to any collateral points. If in any inſtance I have given the court the trouble of hearing an objection, it was not ſo much from the intention of objecting, as from an apprehenſion, leſt my deſire of being tried, ſhould eſtabliſh a method of trial, that might hereafter prove fatal to the profeſſion to which I had the honour to belong, and for which I ſhall ever retain the ſincereſt regard. I ſhould have deſerved worſe of my country, had I ſuffered ſome things, (that your reſolutions have condemned) to paſs by my ſilence into a precedent, than if I were convicted of the worſt crimes that the malice of my enemies ever dared to impute to me.

WHATEVER was peculiar to my own caſe, I have never ſuffered to become the ſubject of any doubt; the court knows, that I at once admitted my commiſſion and inſtructions without being read; nor ever deſired to know by what authority or commiſſion the troops of Great Britain became ſubject to the orders of Prince Ferdinand.

THE attention of the court to my caſe, gave me the utmoſt ſatisfaction, and I cannot omit expreſſing my ſenſe of the patient hearing they have

have given to ſo long and tedious an examination.

I SAID at firſt, that I ſhould lay before them the whole ſtate of my caſe, as it appeared upon the evidence for and againſt me. The great length to which the evidence has run, obliges me to trouble them with a very long narrative, in which I ſhall ſtate all the facts, refer to the evidence in general, where there is not much diſpute, and where there is, I ſhall ſtate the evidence more particularly: After the facts are all eſtabliſhed, I ſhall then ſubmit to the court, a few obſervations upon them. In my narrative, I am obliged to begin at the ſame period with the evidence in ſupport of the charge.

IMMEDIATELY upon the army's marching into the camp at Hille, on the 29th of July, the generals were required in the public orders, to reconnoitre the nine Debouchers leading into the plain at Minden, and I was at the ſame time appointed lieutenant general of the day. That duty I attended at the head quarters all the morning of the 30th, and remained there 'till I went in the afternoon to relieve lieutenant general Imhoff in the command of the picquets of the army. The next day in viſiting the poſts of the picquets, I reconnoitred the ground as far as any officer of my command ought in duty to have gone. The Prince of Anhalt relieved me about five in the afternoon, and in my return to the head quarters to make my report, I ſent off colonel Watſon the deputy quarter-maſter general and captain Smith, with directions to reconnoitre the avenues from the camp into the plain of Minden, that I had had no opportunity of viſiting. I remained ſometime at the head quarters to make

my report, and when I arrived at my own, colonel Hotham, adjutant general of the Britiſh troops, brought me the order that had been given out only at ſix o'clock that evening (the ſuppoſed neglect of which was made the introduction to the charge againſt me) for the troops to be in readineſs at one in the morning, the horſes of the cavalry to be then ſaddled, but not to ſtrike tents, or march till further orders, and for the generals to make themſelves acquainted with the avenues leading from the camp into the plain of Minden. The orders concerning the troops he had ſent to the brigades, thoſe relating to the generals, I had already anticipated, as far as the duty of the picquets would permit me to reconnoitre, and the night made it impoſſible for me to do more.

NEITHER theſe orders, nor any other circumſtance at that time, could give me the leaſt ſuſpicion of an engagement next morning.

THE orders for ſaddling had been frequently given to the army for a fortnight before, and the ſilence of the Prince when I reported to him the ſtate of the picquets, where every thing was quiet, left me no ground to imagine, that there had appeared that afternoon any ſigns of the enemies intending to attack us.

BETWEEN five and ſix in the morning, I was waked by the firing of ſome cannon on the right of the camp. No orders had been ſent to me, nor had I then any reaſon to imagine that the order to ſtrike tents and march, had been ſent to the line. Soon after I had a meſſage from general Sporken, that the troops were getting under arms, and before my horſes were brought out, major Stubbs came to me from the

the Line, I immediately galloped up with him without even waiting for any of my aids de camp, and had the good fortune to be at the head of the cavalry before any other general officer of that diviſion had joined them. I call it my good fortune, becauſe it might have happened in the confuſion of that morning, to me, as it did to other people, not to have been ſo early at my poſt, and yet I think I ſhould not have deſerved any blame from his S. H.

When I came up to the line, all was ready for the march, and the infantry which I paſſed not more ready than the cavalry. I had no reaſon then to enquire, whether the order ſent to the brigades for ſaddling at one had been obeyed; it is certain now that they had; but though they had not, yet, (as the cavalry was equally ready with the reſt of the army) I ſhould not have choſen to have thrown upon the field officers, whoſe duty it was to attend to the immediate execution of ſuch orders, the charge of neglecting this duty, which has ſince been ſo unjuſtly imputed to me.

I immediately formed the cavalry in column, and as the guide appointed for it, was arrived, I marched a conſiderable time before the orders to march (which amidſt the hurry of the morning had ſome-how miſcarried) were delivered to colonel Hotham; upon the march, the other generals, and my Aids de Camp came up; major Eſtoff ſoon brought me an order to form into ſquadron, which was done directly, the march proceeded after this at ſuch a pace as was proper for bringing the whole column up in good order. The account given of it by captain Smith, the only witneſs who ſaw the lines paſs, proves that the ſquadrons were hurried

hurried in the rear, yet I am accuſed by one witneſs of the ſlowneſs of this march; a ſtrong inſtance, how imperfect a repreſentation is commonly given of each circumſtance of an action, when officers attached by their duty to a particular poſt, pretend to form an opinion of what is or may be done in other places.

THE circumſtance is otherwiſe of no moment, for in ſpite of the confuſion of orders, the cavalry arrived at its ground a conſiderable time before the column of infantry had entered the plain. With whatever promptitude then his S. H's orders were obeyed by the reſt of the army, I muſt beg leave to ſay, that the cavalry of the right wing under my command, was entitled to the ſame praiſe.

THE guide who conducted the column was ordered to lead it to the windmill near Halem: As we were marching thither captain Malhorte came up, ordered me to form in two lines, which was immediately done near the village of Halem, and to wait there for further orders. The cavalry had then, upon its right the village of Halem and incloſures, which run cloſe upon the flank of the lines; on its left, a long wood, and the country only open to the front, where the wind-mill of Halem, our original point of deſtination ſtood; the particular ſpot where we firſt halted was too narrow to contain the front, and captain Smith having diſcovered that the ground widened to the right in the front, I advanced a little forwarder, and there halted again. I was by no means ſatisfied with this ſituation of the cavalry, thus ſeparated from even the view of the reſt of the army hemmed in on both ſides, and likely to be expoſed during this inaction,

inaction, to ſome batteries of the enemy. While I was waiting impatiently for orders, captain Williams of the artillery came to me from captain Phillips to acquaint me, that the heavy brigade of artillery had marched from its ground without any orders, and deſired to know if I had any particular directions for them. As I imagined they might have been forgot in that hurry which always attends the ſurprize of an army, and was certain, there could be no deſign of leaving the Britiſh artillery behind, I took upon me, without ſending to his S. H. to order them to advance in front, where I did not doubt they would find employment, and where afterwards they did ſuch ſignal ſervice. The only way they could advance, was by following the Hanoverian artillery along the left flank, or through the intervals of the cavalry, till they came into the wood. Every circumſtance of my ſituation at that time, when I was left to form the beſt judgment I could of the ſtate of affairs, conſpired to perſuade me, that the cavalry could have no way to act, but by moving forward. The intelligence of the guide, the difficulties of the grounds towards the right and left, and the knowledge I had, that the ground beyond the windmill, which I had reconnoitred, was open and extenſive, all led me to this ſuppoſition. The firſt object that appeared to me was a body of infantry in the front towards the right, which for a little while was cannonaded by the enemy, but ſoon afterwards made a movement to the village of Halen, and ſeemed beginning to attack it; I immediately concluded that the future operations of the cavalry might depend upon the ſucceſs of that attack, and therefore ſent lieutenant Sutherland to reconnoitre it. But ſoon after that, captain Winchenrode came up to me full gallop and

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in great haſte delivered me an order in French, his hurry made him expreſs it indiſtinctly, and I deſired him to repeat it, and he then ſaid as I underſtood—" That it was the duke's orders to form " the cavalry into one line, making a third line to " ſuſtain the infantry and to advance." I had no difficulty to comprehend the general intention of this order, when it was repeated, as it agreed with every obſervation I had been able to make: The attack of the village of Halen by our troops, the firing chiefly in front, an open country there, incloſures and obſtructions upon every other quarter, made it impoſſible for me to doubt, that the intention of the orders was that the cavalry ſhould move forwards, which indeed the word ADVANCE ſufficiently of itſelf expreſſed. Capt. Winchenrode having repeated his orders, galloped off, and I immediately made the diſpoſitions neceſſary for putting the order in execution. I'm obliged here to interrupt the courſe of my narrative, in order to conſider the ſeeming contradiction of the evidence with regard to the ſtate of capt. Winchenrode's order. I have ſaid only the ſeeming contradiction, becauſe I think capt. Winchenrode's account of theſe orders may be reconciled to that given by the witneſs in defence. And I think myſelf obliged, in juſtice to the candour that gentleman diſcovered in his examination, to endeavour to give the court the ſatisfaction, of clearing up the obſcurity that hangs over that part of his evidence.

COL. Hotham, capt. Hugo, lieut. Biſſet and capt. Broome, have all ſtated the order which they heard capt. Winchenrode deliver; capt. Lloyd who came up while capt. Winchenrode was with me, has ſtated what he underſtood from the people about me at that time, to be the order delivered:

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All theſe five gentlemen took the ſenſe of the order to be the ſame as I have ſtated it; to form the cavalry into one line, as a third line to ſupport the infantry, and to advance.

CAPT. Winchenrode does not remember the words he uſed in delivering the order; he had told the court that he communicated the orders of his S. H. as they were given to him; before that, he had ſaid, that his S. H. had ordered him to give orders to me, to advance with the cavalry of the right wing to ſuſtain the infantry, which was going to be engaged; and that afterwards the duke of Richmond joined him after he had gone a few paces, and added from his S. H. that he ſhould tell me to form with the cavalry of the right wing upon the heath in a third line behind our regiments. Theſe are the orders, the ſenſe of which, as he ſays, he communicated to me, and the order which ſo many gentlemen remember delivered to me, is expreſſive of the general ſenſe of theſe, a little more particular, but not at all contradictory to them; but capt. Winchenrode proceeded to ſay, that I did not ſeem to underſtand his orders, but aſked him how that was to be done; and that he explained to me, that I was to paſs thro' the trees to the left, and then to form, and that I aſked him again ſeveral queſtions, how that was to be done, and he repeated to me what he had been ſaying. Five gentlemen preſent, did not hear this explanation. Col. Hotham thought the orders required no explanation. Capt. Hugo was convinced that I underſtood the orders, and perſuaded by the orders given to him, that I was going to put them in execution: All the five agree, that the orders were repeated, and that they never heard them otherwiſe explained than by repeating them.

CAPT. Winchenrode does not remember that he repeated his orders; and it is very natural to ſuppoſe, that what he now takes to have been an explanation of his orders, was only the ſecond relation of them, which all the witneſſes heard.

THIS accounts very eaſily for the ſeeming contradiction in capt. Winchenrode's depoſition, and proves what was ſaid at firſt, that there would be no occaſion to call his veracity in queſtion; but had that been the caſe, there is no doubt, that more credit is to be given to the teſtimony of many witneſſes, ſwearing to the words they heard, than to the teſtimony of one witneſs ſwearing to the words he ſpoke; ſuppoſing even that capt. Winchenrode had remembered his expreſſion, which he does not.

I NEED hardly take notice of the queſtions that were put to theſe gentlemen on the croſs-examination, with a deſign to ſhew that capt. Winchenrode might have added an explanation that they did not hear; for in the firſt place, their teſtimony is poſitive, that the orders they heard (and they heard them twice) were, that the cavalry ſhould form one line, as a third line to ſuſtain the infantry, and to advance. In the next place, it muſt have been a poor explanation that could poſſibly eſcape the attention of ſo many gentlemen all preſent, all underſtanding the order contrary to the ſuppoſed explanation, and all attentive to the manner of that order being delivered. The witneſſes taken ſingly, ſay, that it was poſſible, tho' not probable, ſuch an explanation might have been added without their hearing it; but their teſtimony taken together, ſhew, that it was not only improbable, but morally

morally impoſſible, that ſuch an explanation ſhould have been added, and paſſed unheard by any of the witneſſes then preſent. Perhaps it may be thought by ſome (by this court I preſume it will hardly be thought) that col. Sloper's depoſition explains or ſtrengthens capt. Winchenrode's evidence on this article. I was in hopes to have had no further occaſion to have mentioned this witneſs. My firſt obſervation on his evidence, tended to ſhew from his own teſtimony, with what zeal he had often declared himſelf as a witneſs againſt me. I am now obliged to the judge advocate's reply, for a much better proof of the early expreſſions of his malice againſt me; a proof, which in my apprehenſion, inſtead of reſtoring him, as it is called, to his credibility, evinces to all the world, that col. Sloper had talked himſelf into this ſituation, that he muſt either endeavour by his converſation and teſtimony to accompliſh my ruin, or I muſt have brought col. Sloper to puniſhment, for the diſcourſes he held againſt me in the army. It was attempted to be ſhewn, that he had held this language before the prince's orders of the 2d of Auguſt. Lord Granby was uncertain as to the time, and as to the converſation; col. Harvey only, ſays, that it was an hour before the orders were delivered to his regiment; but every body knows, that the orders are publick ſeveral hours before they can be circulated to the line. I ſhall make no other obſervation on this new matter of evidence, but acknowledge my obligations to the judge advocate for ſupporting the general credibility of col. Sloper, which had not been attacked, by proving that he was under a ſtronger byaſs, than perhaps ever attended any evidence to ſupport his charge. But ſuppoſing col. Sloper's credibility, to ſtand now as little impeached as it did before the evidence brought in to ſupport

it, I ſhall ſhew that his teſtimony with regard to capt. Winchenrode's order, is not only contradictory to the teſtimony of col. Hotham, capt. Hugo, capt. Broome, capt. Lloyd, and lieut. Biſſet, but that in material inſtances, it is contradicted by other witneſſes for the charge, is inconſiſtent with other facts proved, and even inconſiſtent with itſelf.

Col. Sloper ſets out with ſaying, that juſt after the line was formed, capt. Winchenrode came up to me. The reaſon of fixing his arrival at this period, is obviouſly to protract the interval between capt. Winchenrode's order, and the arrival of capt. Ligonier. Col. Hotham and capt. Hugo both agree, that the cavalry had been formed half an hour before capt. Winchenrode arrived. This is but their opinion, it may be ſaid: be it ſo, but the marquis of Granby ſhews by his depoſition, that he thought there was a pretty conſiderable interval between the cavalry forming in lines, and capt. Winchenrode's firſt coming up, even to the ſecond line. But ſuppoſing the marquis of Granby's opinion was no better founded than col. Hotham's and capt. Hugo's, lieut. Biſſet's depoſition proves a matter of fact, that aſcertains this interval; he left me after the two lines of cavalry were formed, rode by a detour of a mile and an half into the plain, ſpoke to col. Robinſon of the infantry there, returned and was with me when capt. Winchenrode arrived.

Capt. Winchenrode left the infantry, as he has told the court, after it had formed in a line, and had advanced above a hundred yards from the place where they had formed towards the enemy. Lieutenant Biſſet left the cavalry formed in two lines, and found the infantry when he reached the plain,

plain, ſtill in column. Needs there any further proof, that the firſt circumſtance by which col. Sloper has introduced capt. Winchenrode's order, he has either miſtaken or miſ-ſtated?—— The former I cannot ſuppoſe, for he has relyed very much in the courſe of his depoſition, upon the early arrival of capt. Winchenrode, as a circumſtance on which he founds his opinion of my diſobedience. He told capt. Ligonier that capt. Winchenrode had delivered his order half an hour before him, which would have agreed exactly to the time of the cavalry's firſt forming; he has departed from that aſſertion ſince, and the time is now by his own depoſition but a quarter of an hour; it remains then, that he muſt have miſſtated it.

Col. Sloper proceeds from this circumſtance to ſtate the orders, which he admitted were twice repeated in French, and ſo far he agrees with the other witneſſes; but the orders he ſtates are ſo very different, that it is impoſſible by any means to reconcile his depoſition to that of the other gentlemen who have ſworn to this article. The ſhort queſtion then is, whether the teſtimony of col. Sloper, falſified as it is in other inſtances, and delivered as it was with ſuch circumſtances of malice and prejudice, is to be taken here in contradiction to the unſullied teſtimony,—I ſhould be abſurd to ſay of four or five gentlemen, but even of one man of common credit? But col. Sloper's relation of this circumſtance, is in ſome reſpects different from capt. Winchenrode's. Col. Sloper makes him repeat his orders the third time in Engliſh, capt. Winchenrode contradicts him. This laſt gentleman ſays, when he left me, he was firmly perſuaded, that I was going to give orders for advancing. Col. Sloper

Sloper in contradiction to him, repreſents me as ſtill in doubt, and ſubmitting very readily to his unaſked opinion; none of the officers who were preſent with me, recollect any thing of col. Sloper on this occaſion, nor does he remember any of the orders I then gave to my aids de camp, and it is hardly to be conceived, that his offering an opinion of the orders ſo different from every other officer's preſent, muſt not have been remarked by ſome of them, or that he ſhould not have heard the orders I gave, had he been then preſent.——Theſe obſervations, I think, entitle me to ſay again, that captain Winchenrode is the only witneſs upon this part of the charge; and I hope I have ſufficiently proved to every man's conviction, what were the orders delivered by him, and that they were no otherwiſe explained than by repeating them.

I WILL however ſuppoſe for the preſent, that capt. Winchenrode had added to the orders he is proved to have delivered, an explanation, that the movement was to be to the left, through the trees. This at moſt was but his ſenſe of the manner of executing the order, and not the direction of the order itſelf; and ſurely a general officer may be allowed to queſtion even an aid de camp's explanation of the orders he brings; he came from the left, and probably knew no other way for the cavalry to advance. It is proved to the court by lieut. Sutherland and capt. Williams, who had both viewed the ground the day before the action, and alſo by capt. Lloyd and capt. Smith, that the ſhorteſt way for the cavalry to have come into the action, would have been by advancing by the windmill. Was capt. Winchenrode's information (however able or obſervant he might be) of what he ſaw on a gal-

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lop, to be abſolutely depended on againſt all other appearances? If the explanation of moving to the left was to be received, the order could not be immediately executed in that way, for the artillery was then paſſing on the flank, and continued paſſing a much longer time than was neceſſary for removing the Saxe-Gotha regiment, the only obſtacle to advancing forwards. Yet the orders were to be executed immediately, according to the ſuppoſed explanation, the foot were juſt going to engage, and the cavalry were to be haſtened; but it may be ſaid, the artillery could have been halted. Had there been no other way for the cavalry to advance but by the left, it muſt have been halted: but ſetting aſide all other circumſtances that could induce me to prefer advancing forwards, this circumſtance alone was ſufficient to make me heſitate on the explanation of going to the left, when that movement could not be made without doing material prejudice to the ſervice by delaying the artillery, which was ſo much wanted in the front.

I now return to ſhew what were the meaſures I took for putting in execution, "The order to "form the cavalry into one line, making a third "to ſuſtain the infantry, and to advance." The literal obedience to it, required me to attempt forming the two lines into one, as a third to ſuſtain the infantry, and then I was to advance. The court, remembering the poſition of the cavalry at that time, ſurrounded on each ſide by woods and incloſures, will eaſily conceive, that the ſituation of the wood on the left, which muſt have interſected ſuch a Line, might create a reaſonable heſitation in any man as to the manner of advancing.

I RESOLVED to take the ſteps I thought moſt neceſſary for the execution of the order. I immediately ordered capt. Hugo to clear my front of the Saxe-Gotha regiment, which would, 'till it was removed, prevent our advancing. I ordered capt. Broome to go forward, to reconnoitre the poſition of the enemy, and I ſent capt. Lloyd another aid de camp to find out our infantry, and report to me their ſituation, that I might then judge in what manner, and by what movements I could beſt fulfil his S. H's intentions. For I could never think I ſhould have done my duty, had I precipitately marched the cavalry into a wood, without knowing whether it led from or towards its deſtination. I would not be underſtood in the leaſt to inſinuate, as if I imagined the difficulty of obeying the order literally, a ſufficient excuſe for not carrying the ſpirit of the order into execution; but I muſt think, that taking every ſtep, that could enable me to form my own judgment of the true ſtate of facts, from whence alone I could be enabled to act according to the ſpirit of the order, was paying all poſſible obedience to it.——It became then, in my apprehenſion, my firſt duty, to procure all the neceſſary information I could. When I had diſcharged that duty, I ſhould then, if I had found it neceſſary, have riſked the literal diſobedience of my orders, and have advanced the cavalry, formed as they were in two lines, as far as the plain beyond the wood, and then have made the neceſſary movements for the ſuſtaining the infantry, where the ground would have beſt allowed it.

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WHETHER the meaſures I took were the moſt proper, or whether I have acted with the ſame ability, as many before whom I now ſtand would have done in the ſame ſituation, I ſhall not preſume to ſay; but hope, nobody can think, after the ſteps I did take, that I can be ſuſpected of having intentionally diſobeyed the orders I received. And I muſt further obſerve, that had I, by haſtily obeying the orders of capt. Winchenrode, brought any misfortune upon our cavalry, (if the intention had been taken of blaming me) I might now have been ſtanding at your bar, for having given too much credit to orders, brought by an officer not properly authorized to deliver them to the Britiſh troops.

BUT ſuppoſe the orders of capt. Winchenrode had been, as has been aſſerted, to move to the left, and that there had been no obſtruction, either from the wood or the artillery; let any one conſider only, what was the ſpace of time in which I was to act, and what was the extent of the lines I was to put in motion. The interval of time that elapſed between capt. Winchenrode's leaving me, and the cavalry's actually advancing, as aſcertained by the moſt undoubted evidence, is proved not to have exceeded ſeven or eight minutes. Col. Hotham ſays, it was between five and ten minutes. Lieut. Biſſet ſays, about ſeven or eight. All the witneſſes in general (excepting indeed Col. Sloper, who makes it on one occaſion, half an hour, and on another a quarter,) are of the ſame opinion. But the incertainty of any opinion, with regard to the time, ſo ſtrongly appearing in all the depoſitions, has determined me upon every material interval, to endeavour to obtain a more convinc-

ing proof. Capt. Hugo, who during this ſpace, galloped about two hundred paces, delivered an order and returned, ſwears, from the knowledge of what he then did, that the time was not above ſeven or eight minutes: Capt. Lloyd from the like reaſon, gives the ſame evidence. If this concurrence of facts and opinions, could leave the ſmalleſt doubt in any mind, capt. Winchenrode's evidence, who ſays, that galloping from me, he met col. Fitzroy galloping towards me, who joined me, as every body knows, after the cavalry was in motion, proves to demonſtration, that there could not have been above ſix or eight minutes in which I was to act. The lines which were to be put in motion during that time, conſiſted of twenty-four ſquadrons, and had the order been given for marching from the left, immediately upon Capt. Winchenrode's leaving me, the ſquadrons upon the right could not have begun to move before the arrival of a different order. The generals who underſtand the movement of lines, will know I am right in this aſſertion. Hitherto I have not ſuppoſed the Saxe-Gotha regiment any obſtruction to moving forwards, nor deſired any allowance of time upon that account. It has been admitted, however, that five minutes might be neceſſary for that purpoſe, when it was even treated as the moſt trifling obſtruction. Suppoſing it to have employed no longer time, it is ſufficient to account for the whole interval, that I am ſuppoſed to have remained inactive; for capt. Hugo immediately returned after delivering his orders, and before the front was quite clear of that regiment, the firſt line was in motion. Immediately after capt. Hugo's return, capt. Ligonier arrived with capt. Lloyd, whom a few minutes before I had ſent to reconnoitre the poſition of the infantry. The orders

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that capt. Ligonier delivered to me, are fully ſtated in col. Hotham's depoſition, that his S. H. ordered the cavalry to advance, and he added, as the reaſon of the order, the enemy is retiring or in confuſion, *et il vous prie d'en profiter.* The other officers who were near me, underſtood the orders in the ſame manner; but it is unneceſſary to trouble the court with referring to their depoſitions, for col. Ligonier himſelf agrees with col. Hotham, and ſays, that the orders he brought were to advance with the cavalry, in order to profit from the diſorder which appeared in the enemy's cavalry.

Col. Sloper, as uſual, differs from all the other witneſſes, and aſſerts, that capt. Ligonier ſaid to me, "It was the Duke's orders that I ſhould advance immediately with the cavalry under my "command, and that the movement was to the "left." But it muſt be clear to the court, that there was no mention of the left in the order itſelf, which capt. Ligonier delivered. This order removed every doubt that had attended the former, was not accompanied with any difficulty in execution, but was perfectly clear and explicit. Did I endeavour to raiſe any objections? Did I even queſtion capt. Ligonier upon it? Did I then heſitate one moment to obey it? Capt. Ligonier has ſaid, that without making him an anſwer, I immediately drew my ſword, gave the word to march, and the troops advanced. So ſudden an obedience, demonſtrates what diſpoſition I had to obey every order that I underſtood, and the court may judge from hence, that I would have obeyed every other order with equal alacrity, had they been equally clear.

THUS far, there is not the leaſt appearance of a contradiction in the evidence, (excepting always col. Sloper,) with regard to capt. Ligonier's orders; but capt. Ligonier then ſays, that when the troops had moved a few paces forwards, he told me it was to the left I was to march: This explanation of his order was not heard or underſtood by any of the officers about me, as is clear from lieut. Sutherland's depoſition, who remembers more than any other witneſs what paſſed then, and capt. Lloyd, capt. Biſſet, and capt. Hugo's depoſitions, who all underſtood at the time, that capt. Ligonier had expreſſed himſelf no otherwiſe, with regard to his orders, than by ſaying, that the whole cavalry was to advance.

IT will appear alſo by what paſſed afterwards, that this explanation was not heard or underſtood by me; and yet it is not improbable, that capt. Ligonier at the time he mentions, may have ſaid ſomething about going to the left; he ſpoke it by his own account, after the line had advanced a few paces, the drums were then beating, for they continued ſo by capt. Smith's depoſition 'till the halt. Capt. Ligonier's orders had not occaſioned me a moment's reflection; and it might very naturally happen in that ſituation, that he might have ſaid ſomething about going to the left, which neither I nor any perſon about me heard.

IN a very ſhort time after the cavalry was in motion, col. Fitzroy arrived, and delivered me an order "to advance with the Britiſh cavalry only, "to the left." I immediately halted the cavalry, and was I confeſs, aſtoniſhed to receive an order ſo contradictory to every idea that either from former

former orders, or from my own obſervation, I had formed of the ſervice of the cavalry that day, and I could imagine beſides, no poſſible reaſon for dividing the cavalry, and bringing up the Britiſh only.

The court will eaſily enter into the doubts, which at that time perplexed me, for I think, there has never yet been any tolerable reaſon aſſigned for this difference in the orders. The enemy, as every body knew, was greatly ſuperior to us in cavalry; the attack had not begun, when col. Fitzroy was ſent off, conſequently the enemy's cavalry was not then weakened. Why then ſend, for an inferior body of cavalry? Was it to avoid delay? as has been ſome times given out. Why then ſend for the Britiſh cavalry, which being poſted on the right, were at leaſt half a mile more diſtant from the enemy than the Hanoverian. I could not but imagine at firſt, that there was a miſtake in the delivery of the order, I ſaw col. Fitzroy out of breath and much hurried; I deſired him not to be in a hurry, to recollect himſelf, and deliver his orders diſtinctly; he then repeated his orders *again*, I expreſſed my ſurprize, and told him, that I had but juſt received orders from capt. Ligonier to advance with the whole cavalry, and that I could not imagine that the Prince meant to divide them. Col. Fitzroy then ſaid, that capt. Ligonier and he left the Prince at the ſame time, and brought the ſame order; I then aſked for capt. Ligonier, he came up and aſſerted in the ſtrongeſt terms, that his order was right, and ſaid that he would anſwer for it with his honour and his commiſſion. Col. Fitzroy continued equally poſitive, that his orders were right, and inſiſted, that they brought the ſame orders, and left the Prince at the ſame time; I deſired

fired that they would agree what their orders were, and that I was ready to execute either of them. They both continued equally poſitive. I ſaw no method from them of clearing up that confuſion. I aſked, whether the Prince was at hand, and where they had left him? Col. Fitzroy anſwered, that he had left him juſt on the other ſide of the wood, not a great way off, and coming towards us. I immediately determined, what every man I believe in the like ſituation would, to have an explanation of theſe orders, when it could be attained by going ſo little a way, and when the trifling delay that it could occaſion, muſt have been of much leſs prejudice to the ſervice, than an improper obedience.

I have related the ſubſtance of what paſſed between col. Fitzroy, capt. Ligonier, and myſelf. From the whole depoſitions taken together, it is not to be expected, that any two fair witneſſes ſhould relate an affair of this nature exactly in the ſame manner. If they agree in the general tendency of the converſation, and if the expreſſions, which ſtrike each witneſs in particular, and are therefore remembered by them, correſpond with the general account, and agree together, there is more credit to be given to ſuch evidence than if the relations were in every point the ſame. Capt. Smith, capt. Lloyd, capt. Hugo, lieut. Sutherland, and lieut. Biſſett were all preſent, during this converſation. They all agree in general, that col. Fitzroy and capt. Ligonier, were both poſitive as to their orders; that capt. Ligonier did not admit that col. Fitzroy's were to be obeyed preferably to his; they all underſtood that the orders delivered to them were the ſame, and that they left the Prince at the ſame time. Capt. Smith, capt. Lloyd, and lieut. Sutherland,

land, are poſitive, that col. Fitzroy ſaid ſo, and capt. Ligonier's coming to me a little ſooner, did not contradict this ſuppoſition, as they came different ways, and the one very eaſily might have got the ſtart of the other; the ſame gentlemen likewiſe prove, that I aſked if the Prince was near, and upon being told that he was, deſired to be conducted to him.

Col. Fitzroy's, and capt. Ligonier's evidence differs from the account given by theſe five gentlemen. It is not ſurprizing that their account of this tranſaction, ſhould not be ſo perfect as that of the by-ſtanders; they were both too much perſonally concerned in it, to have a clear and diſtinct remembrance of what paſſed. In the moſt trivial diſputes, a diſtinct account of the ſubject of the diſpute, is not to be expected from thoſe engaged in it. Beſides, they have both ſhewn by their evidence, that it is impoſſible their account of it can be compleat. Col. Fitzroy does not remember any thing that paſſed between capt. Ligonier and me; and capt. Ligonier ſays, he was at ſome diſtance, and did not hear any thing that paſſed between col. Fitzroy and me, except the delivery of his his orders; neither of theſe gentlemen then, can be a witneſs to ſupport the other; and in every inſtance, where either of their teſtimonies differs from thoſe of the other witneſſes, it is only the evidence of one man, as to the words he ſpoke in contradiction to the evidence of many as to the words they heard; and it is obvious, that even where there is no diſpute, it is much more probable, that a man ſhould be right with regard to the words he remembers to have heard, than the man who only relates the words which he imagined he ſpoke. The obſervation is applicable

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with much more force, when not one only, but many witneſſes, agree as to the words they heard. It is no reproach, either to col. Fitzroy or capt. Ligonier, that they ſhould have miſtaken many particulars of this affair. I ſhould be uncandid if I mentioned it as a reflection upon their veracity; their hurry and eagerneſs, very naturally account for it.

It may be expected, that I ſhould ſay ſomething here, with regard to the place at which the orders of capt. Ligonier, and col. Fitzroy were delivered to me. This is a matter of much the ſame nature with time and diſtance, almoſt as difficult to be aſcertained, and ſubject to many miſtakes, when no particular circumſtance occurs to fix it in the mind. Col. Fitzroy's depoſition ſhews this ſtrongly. He ſays, I was at the right of Bland's when he came up to me, and afterwards ſays, that when the diſcourſe paſt between us, about his order, that he and I were between the two lines of cavalry. Now it is certain from all the evidence, that I never was between the two lines, but always in ſome part of the front of the firſt line. This I mention as an inſtance merely of miſtake.——— With regard to this circumſtance in general, I underſtand that it is to be the ſubject of a reply, and therefore I ſhall reſerve any obſervations upon it, 'till I ſee whether the reply can fix it more poſitively (which I don't apprehend it can) than the ſeveral witneſſes on my part have done; perhaps even then, I ſhall give the court very little trouble upon it, for it is introduced merely to ſupport the credit of col. Sloper, and I can very eaſily give up this one contradiction to his evidence. If the proſecutor will undertake to remove the bad impreſſion that his manner of giving evidence excited; if he will

will now diſprove the ſtrong motives under which he has already proved Col. Sloper came to give evidence; if he will ſupport col. Sloper's teſtimony againſt capt. Ligonier's, as well as the witneſſes in defence with regard to what order capt. Ligonier delivered; if he will ſupport his teſtimony, as to the time between capt. Winchenrode's order, and the cavalry's advancing, againſt that gentleman's evidence, the facts proved by capt. Hugo, and capt. Lloyd, and the opinion of ſo many other witneſſes; if he will ſupport his credibility, as to the time of capt. Winchenrode's arrival, againſt poſitive facts, againſt the witneſſes for the charge, as well as thoſe for the defence; if he will undertake to do theſe things, I will agree to give up this contradiction, and add to it, if he pleaſes, a heap of others, that I would not tire the court with enumerating.

I HAVE already ſaid that col. Fitzroy having told me, that the Prince was not a great way off, I deſired to be conducted to him. As we galloped along, I ſaw the wood open to the plain, more quickly than I imagined, and col. Fitzroy continuing ſtill very poſitive in his order as reported to me, I ſent back capt. Smith with orders to bring up the Britiſh cavalry as faſt as poſſible; the place from whence I ſent him back, was not diſtant from the neareſt part of the cavalry, above 150 or 200 yards, by col. Fitzroy's account; and by the account ſo often given of the extent of the wood, at that part it could not have been many hundred yards from the left of the Britiſh cavalry; ſo that the delay occaſioned by my deſiring to go to the prince, could only be the time that it might take to gallop twice that diſtance. Capt. Smith as he paſt by the left, towards general Moſtyn, made the cavalry wheel by quarter ranks, ſo

that all poſſible expedition was uſed, and they were marched in that order. I obſerved, it was aſked with ſome appearance of ſurprize, how the wood's opening could occaſion my ſending back for the Britiſh cavalry only? A moment's reflection on the former evidence, would have made that queſtion unneceſſary: The wood's opening ſo on to the heath reconciled me a little to the movement being made to the left: If that was to be done, then colonel Fitzroy's order, and not captain Ligonier's was to be followed (for I underſtood nothing from the laſt, of this movement,) and of conſequence, the Britiſh cavalry only were to be brought up. This, together with colonel Fitzroy's poſitiveneſs, and captain Ligonier's abſence (who had gone from me, when I ſet out towards the prince) induced me, though I own without being convinced, to give the order I did to captain Smith.

When I came up to the prince, I told him the ſtate of the orders. He received me as has been proved by many witneſſes, with his uſual civility; expreſſed to me no ſurprize at my not underſtanding ſuch orders; but upon my pointing to him the head of the column of cavalry of the ſecond line, which was then in view, coming out of the wood, gave me his own orders "to form the cavalry on the "heath and ſuſtain the infantry." I ſhould greatly wrong the prince, if I ſhould ſuppoſe it neceſſary to take much notice, of what has been told the court, of his expreſſing his ſurprize at my doubt upon the orders, not by words, but by his looks, and actions. The orders he gave me were ſo materially different in their object from either captain Ligonier's or colonel Fitzroy's, that theſe orders alone were a confirmation of my doubts, and his manner ſeemed to correſpond with his words. But

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it has been obſerved, that before colonel Fitzroy came up, the prince expreſſed his diſſatisfaction at my conduct, for when he ſent Mr. Derenthall to haſten me, he ſaid, looking towards the cavalry, that he did not know what Lord George Sackville was doing there. If his S. H. was diſſatisfied with any body then, it could not be me, for the cavalry he ſaw at that time, was the ſecond line; but the expreſſion does not ſeem to me to import any blame, but only ſhews his ſurprize that the cavalry appeared ſo much to the rear, where to be ſure, he did not expect them, and where, if he had known they were obliged by going to the left to place themſelves, he probably would not have choſen they ſhould have made that movement.

The orders I received, pointed out to me the object I was to have in view, the ſuſtaining the infantry by a formed body of Cavalry. There was nothing mentioned of attack or purſuit, nor any thing that could in the leaſt induce me by advancing in a hurry to hazard any diſorder or confuſion in the cavalry which would have made it totally unfit to ſuſtain the infantry. Had purſuit then been the object, his S. H. would undoubtedly have ordered the cavalry, which firſt appeared, to have advanced inſtantly, without ordering me to form the whole. I immediately diſpatched captain Lloyd to order the cavalry to form in line, and followed him myſelf.

The ſecond line, it is certain, got upon the heath ſooner, but not a great deal ſooner than the firſt. Captain Smith met lord Granby at the entrance of the wood, from the ground where the cavalry was firſt formed; and the cavalry marching from the left, and that flank being cloſe to the wood, ſuffi-

ciently proves how ſhort a time they could have been in motion. From thence he went very faſt to general Moſtyn, who was not far off. The cavalry marched immediately by quarter ranks, which acroſs the wood, was by much the quickeſt way, and they marched at a very good pace. The cavalry that I ſhewed to the prince was the ſecond line, but at or ſoon after that time, the firſt line appeared alſo; for lieutenant Sutherland who was then by me, ſays, the firſt cavalry that he diſtinguiſhed coming out of the wood were the blues.

I SENT captain Hugo then to the Hanoverian cavalry of the firſt line that I had left on the other ſide of the wood, becauſe it was very clear now, that the prince's intentions, were not, that the Britiſh cavalry only ſhould advance on the heath. I then ſet about forming the cavalry as the ground would beſt admit, taking the moſt expeditious and effectual method of fulfilling his S. H's intentions.

HERE undoubtedly, it may be ſaid there was a halt; that is to ſay, the ſquadrons that firſt formed, ſtopped 'till the others could form up with them in line, and without ſuch a halt it was impoſſible the cavalry could form at all, but the whole body never was halted, and ſome part of it always in motion.

How much time was employed in this manœuvre is not aſcertained by the evidence; no particular time can be ſaid to be neceſſary for ſuch movements, as the making them ſlower or faſter muſt always depend upon the adroitneſs of the troops, and their readily comprehending the orders they receive. Captain Smith's evidence ſhews, that the Hanove-

Hanoverian ſquadrons on the left formed too near the wood, and inſtead of inclining to the left in advancing, as I ordered them, wheeled; this miſtake I was obliged to ſet right, and ſome time was loſt by it. Colonel Pitt is the only witneſs who has an opinion as to the time employed in forming the line; he thinks it was about a quarter of an hour, that the brigade in which he was, halted in forming the line; but he alſo thinks, that when that brigade alone was formed, at their firſt coming out of the wood with lord Granby, the halt was about ten minutes, ſo that five minutes more, ſuppoſing his calculation juſt, was no extraordinary time for forming a line, which conſiſted of more than double the number of ſquadrons of which he ſpeaks.

If it was upon this occaſion, that Lord Granby found fault with my manœuvres, I flatter myſelf his lordſhip would not have blamed them, had he known that I was acting under the orders of the prince, the intention of which I am perſuaded he would have agreed with me, could not have been otherwiſe ſatisfied, than by advancing with a well formed line of cavalry fit to ſuſtain.

Before the line was quite formed, the left moved. The inconvenience of the ſquadrons that firſt formed, having taken too little ground ſoon appeared; for as we came up to the fir grove ſo often mentioned, Bland's and the Inneſkillings were thrown out of the line entirely; even this obſtruction did not make me halt the line, though I was obliged to bring them up to move a little ſlower, and to incline the ſquadrons to the left: afterwards we moved on, without any ſort of ſtop, except occaſional ones to dreſs the line, till we came in the rear of the infantry, and there the cavalry was halted,

halted, as this undoubtedly was the object pointed out by the prince's orders.

In order to explain a little more fully to the court the movements of the cavalry at that time, I muſt beg they would conſider a moment what was known then with regard to the ſtate of the action. No officer of the cavalry, I believe, imagined that the engagement was over before we came upon the heath; nor had his S. H. any idea, that the ſucceſs of the few battallions that had engaged, could determine the event of the day, as is plain from the orders he gave to ſuſtain the infantry. It appears now indeed, that the action muſt have been over at that time. Mr. Derenthall had before that congratulated the prince upon the ſucceſs of the infantry, and we now know, that after that ſucceſs the French never returned to the charge. But as I hope not to be cenſured upon circumſtances that I could not know, neither ſhall I attempt to excuſe myſelf by them. Let my conduct only be judged according to the views I was enabled to form at that time. Ordered to ſuſtain the infantry, could I have been juſtified had I not paid the utmoſt attention to bringing up the cavalry in line? Was not that eſſentially neceſſary to the object of the order?

The ſlowneſs of the movement is here again found fault with; the march at particular times might be ſlow, and in particular parts of the line, but whenever I could bring them up regularly, it was ſufficiently faſt through the whole line; capt. Smith proves that he met me advancing at a full trot, as I came towards the place where the action had begun.

With regard to the halts that I made, it is now clear from the whole evidence, that there never were but two halts after the cavalry came upon the heath; the one was, that which was firſt made to form in line, the other when they halted in the rear of the infantry: This appeared very clear both from col. Pitt and col. Hotham's depoſitions; and what in other parts of the evidence might have been miſtaken for halts, are explained by this laſt depoſition, to have been only occaſional halts for dreſſing the line; I need make no apology for theſe, as every officer knows the neceſſity of them; the firſt halt could not be avoided, and the laſt was in obedience of the order I received.

Some doubts ſeemed to have ariſen, whether that infantry, behind which I then halted, was the infantry I was ordered by the prince to ſuſtain.

It muſt be very clear to every one, that the firſt line of infantry I came up to, it was my duty in execution of my order to halt there. The infantry behind which I halted, are proved to the court to have been a line of ſeven or eight battalions, commanded by major general Scheel, part of whom belonged to the firſt, and part to the ſecond line of the army, if we can credit the plan ſo much relied on of capt. Roy. It is difficult to ſay preciſely, what part of the line of infantry, his S. H. intended the cavalry to have ſuſtained. The event of the day totally changed all lines and diſpoſitions; but I think it is certain, that had the cavalry been in a ſituation originally, to have formed as a third line to ſuſtain the infantry, it muſt have formed behind ſome of theſe very regiments; but after the orders were received, this was the only line of infantry upon the plains

plains of Minden, that ever appeared for the cavalry to have ſuſtained.

I soon ſaw that no ſervice could be done in this ſituation. I thought, in all probability, there might be elſewhere; for no action that ever I had known, had been decided in ſo ſhort a time, and by the fate of a ſingle attack. I ſent an aid de camp to his S. H. to acquaint him that the cavalry could do no ſervice where it was, and to deſire to know, if he had any commands for them? The court will ſcarcely ſuppoſe that, that would have been the conduct of a perſon who had any diſinclination to obey.

It will be now proper, having gone through the particular movements of the cavalry, to take notice of a general object of enquiry, that has been purſued during the courſe of the trial; whether the cavalry attacked any enemy, or ſuſtained any infantry that engaged? As to the firſt, attacking the enemy never was the object of any order I received, excepting col. Ligonier's, and with what readineſs I obeyed that order, till I was ſtopped by col. Fitzroy, the court very well knows.—As to ſuſtaining the infantry that was engaged with the enemy, if there was a proper relation of the action before the court, it would at once appear how impracticable that was. It was for this reaſon, that I wiſhed to have aſked a few queſtions of the officers of the infantry. But as the court had had the trouble of ſo long an attendance, I could not wonder, that they wiſhed to ſhorten the examination, and I very readily ſubmitted to their opinion. I muſt beg leave therefore, to mention a fact or two, not in the depoſitions, but ſo publickly known, and ſo confeſſedly true, that it is impoſſible to call them in

in queſtion: I mean only this; capt. Winchenrode has ſaid, that when he left the prince, the infantry had moved about one hundred paces towards the enemy; col. Fitzroy ſays, that when he came off, the infantry was advancing briſkly: I deſire only to add to this, what every body knows, that the brigade of infantry on the right, advanced, with the utmoſt impetuoſity, before any line of battle was formed, or before any artillery could be brought to oppoſe the enemies batteries, attacked the French line, and after a very ſhort conflict, ſuſtained and aſſiſted only by the ſecond brigade of the Engliſh, and the two battalions of Hanoverian guards, defeated it, and put it to flight. Capt. Derenthall proves the ſhort duration of the action; he left Brudenell's regiment after the ſucceſs of the infantry, and had been with the prince ſome time, before col. Fitzroy returned to him with me; after I came up to the prince, there was no firing of ſmall arms heard. I deſire only now to remind the court, that the only part of the army that did engage the French line, were the ſix Britiſh regiments, the two battalions of Hanoverian guards, and perhaps, Hartemburgh's regiment. The evidence will ſhew, how far they had ruſhed on purſuing their victory.

Lieut. Sutherland and capt. Lloyd both, after they had delivered the orders from me for the cavalry to form, galloped acroſs the plain towards the infantry. Lieut. Sutherland came up firſt with the Hanoverian guards; a little more advanced he found the Britiſh; the enemy was then cloſe to the walls of Minden. Capt. Lloyd ſaw the French cavalry at ſuch a diſtance, as juſt to diſtinguiſh it to be cavalry, and that was all; they both think the infantry that had engaged were above a mile;

lieut. Sutherland thinks near two, from where they left the cavalry forming.

Lieut. Biſſet left me while I was receiving the prince's orders, and in going towards the infantry, met the wounded officers coming off; he then came towards me, and immediately returned to his regiment, when he found the enemy out of ſight; but as it was imagined they were forming behind the houſes, he returned to deſire my permiſſion to join his regiment, which had loſt a great many officers; he immediately returned to his regiment, and never ſaw the enemy till they afterwards appeared in the hedges of Minden. Capt. Smith likewiſe galloped on to the infantry, as we began to advance with the cavalry, and found the Hanoverian guards and the Britiſh amongſt the incloſures, and the enemy that had engaged them diſtinguiſhable only by a cloud of duſt, that they had raiſed towards Minden, and the officers of the Britiſh infantry aſked him, where the army was, for they had not ſeen any more of it than two battalions of the Hanoverian guards all that day.

Against theſe facts, there are only the opinions of one or two cavalry officers, founded upon no obſervation made by themſelves, but raiſed merely upon conjecture; that the cavalry might have ſuſtained the body of infantry that was engaged. I leave it to the court to form the concluſion, whether it was poſſible for the cavalry to have ſuſtained that infantry, which not even the remainder of the firſt nor any other part of the ſecond line ever came up to ſuſtain, or to have ſhared with them the glory of the day.

I HAVE now laid before the court, the whole facts regarding my conduct, in the affair of Minden. After the action was over, when the laſt ſtep of it had demonſtrated my zeal for the ſervice, I little imagined, amidſt the general congratulations that were given and received, when there was but one opinion prevailed, that the valour of a few battalions, under the immediate protection of providence, had ſucceeded againſt numbers, preparation and diſpoſition, when all concurred in praiſing thoſe, whoſe good fortune had given them a greater ſhare of the action, and nobody was heard to cenſure thoſe who had leſs opportunity, tho' not leſs deſire to have gained equal honour; I little imagined, that any diſſatisfaction could have been conceived againſt my conduct.——The day paſt without any reflections or reproaches upon myſelf, or any officer: Theſe were then left, as the common conſequences of defeat, to the vanquiſhed army.

NEXT day the orders came out.—How aſtoniſhed I was at receiving them, and what I felt, thoſe before whom I ſpeak will eaſily conceive! The inſtance was new to me, nor, I believe, can any of the generals, who compoſe this court, in the courſe of their ſervices recollect, that it ever was the practice of any general to puniſh by publick orders; and without trial, or examination, impoſe ſo fatal cenſures upon officers.

IN juſtice however to prince Ferdinand, I muſt acknowledge, that I do not believe he intended to throw that reflection upon me, which the orders ſeem to import. If he had, I muſt think he would have avowed it. He might imagine that I was only

only envious of lord Granby's praiſe, not jealous of my own honour, and perhaps did not comprehend the manner in which I felt that indirect cenſure. He was uninformed of our manners, ignorant of the effect the orders would produce here, and unacquainted upon thoſe articles with the ſenſibility of Engliſhmen.

WHAT has been the effect of theſe orders, I have never called to mind ſince I came upon this trial. I only feared them, while it remained uncertain, whether the objections to the legality of my trial could be overcome: I knew no anſwer could be made to an unknown accuſation, and while I ſaw myſelf at once deprived of all military commands, of the favour of my ſovereign, and the eſteem of my country, I could never learn of what crimes I was accuſed, but from news-papers or pamphlets. My heſitation with regard to the orders of col. Fitzroy, and capt. Ligonier, was for a long time the only topick mentioned as the cauſe of my diſgrace: Something there was likewiſe ſaid about looks and appearance, but this was then confined to its proper ſphere, the loweſt of the rabble. This charge is the laſt that a man of ſpirit can ſuppoſe brought againſt him, and the only one he can ever be averſe to anſwer in words: I ſhould at any rate ſay very little about it, ſpeaking to thoſe I have the honour to addreſs; I ſhall only, for the ſake of other officers, who may like me, after years of ſervice be expoſed to ſuch attacks, make one obſervation upon the palpable abſurdity of it. I ſhould hardly think that man worthy of an anſwer, who ſhould pretend to judge of another's mind from his complexion. But the witneſs founds his opinion upon a reaſon, the order as he underſtands, was to move to the left, in obeying it, I ordered

dered him to move forwards, I was therefore confuſed and alarmed.

THIS movement, he has certainly mis-ſtated; but had I ordered him to move to the left, as he thinks I ought, what opinion would the five officers, who underſtood the order to mean going forwards, have been entitled to form upon that occaſion?

THIS at once ſhews, not only the malice, but the weakneſs of ſuch evidence, and as I am certain my caſe will not be an encouragement to thoſe attacks hereafter, this is the laſt mention I ſhall ever make of them here.

I TOLD the court, my defence conſiſted not in argument, but in eſtabliſhing a true ſtate of the facts; that I think I have already done, and I am at a loſs to conceive, by what part of theſe facts, a general charge of diſobedience can be ſupported. I have tried to diveſt myſelf of every prejudice, and to diſcover, if I could, the ſtrongeſt caſe that could be made againſt me: I don't know any circumſtance, in which, with the information I then had, I think upon reflection, I could have acted differently from what I did, with the information I have ſince received. I own, I think I could have done much more ſervice, had I taken upon me to diſregard the orders of col. Fitzroy, and marched the cavalry upon my own idea towards the windmill: I ſhould then have fallen upon the flank of the enemy; and I make no doubt, but the Britiſh cavalry would have ſhared with the infantry the glory of the day: And as miſtakes were then fortunate, the victory might have been rendered more brilliant and compleat.

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It is a common charge againſt me, of which I ſhould have taken no notice here, if I had not found, that it had ſome effect upon the minds of officers, who have appeared upon this occaſion, that the cavalry, by my fault, did not engage the enemy.

That it did not engage the enemy, is certain; but why it ſhould be at once determined, that it ought to have engaged the enemy, I own I cannot comprehend. Had the action of Minden been regulated, according to the common courſe of events in war; had not Providence interpoſed in a particular manner, in favour of his majeſty's arms, in all probability, every part of the army would have had ſome ſhare in the action: But is it not equally reaſonable to enquire, why the greateſt part of the infantry never diſcharged a ſhot? The glory of that day was reſerved for the ſix brave regiments, who, it will ſcarcely be credited in future ages, by a ſingle attack, put forty battalions, and ſixty ſquadrons to flight. But why it may be ſaid, did not the cavalry of the right join in the purſuit? What purſuit was ever ordered? If that had ever been his S. H's intentions, the cavalry on the left were at hand, yet they were never ſent for: Purſuit might neither have been ſafe nor practicable; the enemy were ſoon drove within the ſhelter of the cannon of Minden, and the ground near the town was full of incloſures, where the Britiſh infantry halted. I don't therefore blame his S. H. for not ordering a purſuit, I only beg not to be blamed, for not purſuing, where purſuit never was intended. The queſtion, upon which my conduct is to be tried, is, not who deſerves to be cenſured for the inaction of the Britiſh cavalry,

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no more than it is, who deſerves to be praiſed for the extraordinary intrepidity of the Britiſh infantry?

I have ſtated the facts ſo fully, that I will not enter into any obſervations, on the particular matters of the preſent charge. I have ſhewn, that on the firſt part of the day, I was not deficient in diligence or activity. That I made every preparation for executing capt. Winchenrode's order, that a few minutes would permit. That I inſtantly obeyed capt. Ligonier's. That upon col. Fitzroy's order, and the diſpute between capt. Ligonier and him, I was juſtified in going to the prince. The orders I then received from his S. H. did not determine either of theirs to be right. The prince's orders I immediately put in execution.

THE movements for that effect, I have already explained to the court, and ſubmitted the propriety of them to their experience and judgment, only I flatter myſelf, that whatever opinion, they ſhall entertain of my abilities, my ready obedience to the orders I did underſtand, my zeal for the ſervice in taking upon myſelf to order up the Britiſh artillery, and my ſending to the prince, upon hearing that he was making a motion to the right with ſome infantry, to acquaint him that the cavalry as then poſted, would be of no ſervice, and to deſire to receive his commands, will juſtify my motives, and ſhew that I was not wanting in my inclinations to obey.

THESE are the whole matters of the charge againſt me, for which I now ſtand at your bar, deprived of the rank I had the honour to hold amongſt the generals who ſit here ——— Other officers before

fore me have ſuffered by miſrepreſentation in the opinion of their ſovereign and their country; my caſe is in this reſpect peculiar, that I was condemned upon inſinuations only.——If the implied cenſures in the orders of the ſecond of Auguſt, were to ruin the character of officers, and deprive them of their employments and command, I ſhould not have been the only ſufferer that day.

My military employments were always at his Majeſty's diſpoſal: As marks of the approbation of my endeavours to know and to diſcharge my duty, I received them with the utmoſt ſatisfaction; but, receiving them from his royal favour, I was always ready to reſign to his majeſty's pleaſure.---I now quit them, without regret, ſince, notwithſtanding, I have been allowed an opportunity of juſtifying my conduct.——This was the only motive and purpoſe of my deſiring to ſtand a priſoner at this bar. Under all the diſadvantage of the prejudices of the public, then ſtrong againſt me, I ſhould not have aſked for a trial, but from the conſciouſneſs of my own innocence.——The reception my defence has found from the publick, and the favourable alteration of opinions it has already produced, juſtify my confidence in the candor of my country.

Upon your judgment, I have every reaſon to rely.—And what opinion you may form of my abilities as an officer, I don't preſume to ſay,— that is an object now of little importance to me, and his Majeſty is the beſt judge of the merit of his officers; but I am perſuaded, that you will with pleaſure on this occaſion, exerciſe the amiable part of your juriſdiction, and acquit me of the preſent charge of diſobedience.

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